

**Appl. No.** : 10/070,870  
**Filing Date** : November 14, 2002

### **SUMMARY OF INTERVIEW**

#### Exhibits and/or Demonstrations

None

#### Identification of Claims Discussed

Pending 1-11

#### Identification of Prior Art Discussed

Beguhn '065

Weaver Jr. '920

Cockburn '930

Coggswell '188

Sengewald '694

#### Principal Arguments and Other Matters

Aperture seal region of Applicants' device does not appear to be taught in prior art of record.

#### Results of Interview

Arrangement and constituency of various sealing layers of prior art and Applicants' device were discussed. Examiner indicated prior art appears to have similar structure and resealing capability as Applicants' claimed invention. Agreement was not reached in this regard.

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## REMARKS

Firstly, the Applicants would like to thank Examiners Pickett and Yu for the courtesy of extending a personal interview to the Applicants' representative James W. Ausley. During the interview, the structure and material constituency of the Applicants' devices as well as the teaching of the prior art of record was discussed with particular emphasis on the resealable capability of the Applicants' device, the apparent lack of resealing capability in the prior art of reference, and the various arrangements of aperture regions in the Applicants' devices.

The Applicants would like to thank the Examiner for noting the discrepancy in the claims with respect to the relative positioning of the second upper film layer on the second layer in Claim 2. The Applicant hereby amends Claim 2 to correct this discrepancy and does not believe that changes to the drawings are required in response to the Action.

Upon further consideration, the Applicants' would like to reiterate their position that the Beguhn (US 4,236,652) reference does not teach the particular sachet structure claimed by the Applicants. In particular, the Applicants respectfully direct the Examiner's attention to Figures 3, 4, and 5 of Beguhn and to Column 3, Lines 54-69, of Beguhn where it is explicitly disclosed and taught that "it is preferred that the film 18 be positioned on the scored rigid member 14". Thus, Beguhn clearly teaches that the flexible film layer 18 is arranged externally to the scored rigid layer member 14 which is the reverse of the orientation or relative positioning of the Applicants' claimed invention.

The Applicants note that for example in Claim 1 as currently amended "...a first layer overlying a second layer; said first layer comprising a semi-rigid member ... wherein, upon at least one of releasing the opening force and application of closing force, the first sub-aperture closes such that the first layer again overlies the film components so as to reseal the sachet". The Applicants note that similar amendments are made to pending Claims 6, 8, and 11 to emphasize that the semi-rigid member is externally arranged with respect to the inner film layer forming the sachet. As discussed in the interview, the Applicants have found that the particular arrangement of positioning the semi-rigid member externally to the film layer rather than internally as in the Beguhn '652 reference provides the particular advantage of providing structural support outside of or beyond the internally arranged film layer. Upon initial opening of the sachet and possible dispensing of a portion of the material contained therein with subsequent release of the opening

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force or alternatively an application of a closing force inducing the semi-rigid members back into adjacency, e.g. so as to close the sub-aperture defined by the semi-rigid member, movement or pressure in the material contained within the sachet tends to force the inner film layer against the semi-rigid member. This tends to form a blockage or seal against the support of the semi-rigid member which inhibits flow of material either externally through the outer sub-aperture as well as to inhibit migration of the material between the outer semi-rigid member and inner film layer due to the joining or sealing of the film layer to the semi-rigid member in the aperture region. As discussed in the interview, the Applicants do not believe that this combination of features is taught or suggested by the art of record.

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### SUMMARY

From the foregoing, the Applicants believe that the subject is in a condition ready for allowance and respectfully request prompt issuance of a Notice of Allowability. The Applicants believe that this paper is fully responsive to the objections and rejections of the Office Action as well as to issues discussed during the interview. However, should there remain any further impediments to the allowance of this application that might be resolved by a telephone conference and/or Examiner's Amendment, the Examiner is respectfully requested to contact the Applicants' undersigned representative at the below-indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

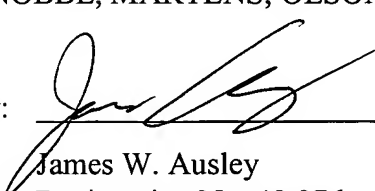
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

2/7/05

By: \_\_\_\_\_

  
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